

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: IES UTILITIES INC.	DOCKET NO. E-21324
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ORDER SETTING BRIEFING SCHEDULE

(Issued April 13, 1999)

On August 27, 1997, IES Utilities Inc. (IES) filed with the Utilities Board (Board) a petition for franchise to erect, maintain, and operate approximately 11.7 miles of nominal 161 kilovolt (kV) electric transmission lines in Lee County, Iowa. In the petition, IES requested it be vested with the power of eminent domain over one parcel of land owned by the Lee County Conservation Board. On March 18, 1999, the administrative law judge issued a "Proposed Decision and Order Denying Franchise" in this docket. IES filed an appeal on April 1, 1999, pursuant to IOWA CODE § 17A.12(9) (1999). In the appeal, IES requested the opportunity to file a brief, participate in oral argument, and reopen the record if the Board deemed it necessary.

There are no procedural rules governing an appeal to or review of an administrative law judge's proposed decision and order in a franchise proceeding to the Board. See IOWA ADMIN. CODE 199-7.1(1) (1999). The Board will allow IES an opportunity to file its brief with the Board on or before April 27, 1999. Parties may respond on or before May 14, 1999. The briefs shall be limited to the three issues

raised in Section IV of the notice of the appeal. However, the Board does not believe it necessary at this time for the parties to present oral arguments or reopen the record but reserves the right to rule on these issues at a later date.

IT IS THEREFORE ORDERED:

1. IES Utilities Inc. may file its brief on or before April 27, 1999, in accordance with this order.
2. The parties may file reply briefs on or before May 14, 1999.

UTILITIES BOARD

/s/ Emmit J. George, Jr.

ATTEST:

/s/ Raymond K. Vawter, Jr.
Executive Secretary

/s/ Paula S. Dierenfeld

Dated at Des Moines, Iowa, this 13th day of April, 1999.